

## **ATTACHMENT A**

# **NOVEMBER 8, 2005 CITY COUNCIL STAFF REPORT (PREVIOUSLY DISTRIBUTED)**

## **ATTACHMENT B**

### **LETTERS OF COMMENT (Six)**

## Deborah Woldruff

**From:** Frost, Robert (LLU) [bfrost@llu.edu]  
**Sent:** Tuesday, October 25, 2005 5:22 PM  
**To:** Deborah Woldruff  
**Subject:** General Plan - Additional Guiding Policy for 8.5.2  
**Importance:** High

Deborah,

I have just been asked to request the Council to insert the following as additional Implementing Policies to Guiding Policy 8.5.2 on page 8-11 of the October, 2005 draft of the Loma Linda General Plan:

- i. Encourage the development of full service medical care facilities in order to adequately address all of the medical needs in the City.
- j. Avoid the development of health care uses that provide limited services to the detriment of the healthcare delivery system in the city and the surrounding region.

Thank you,

Bob Frost  
Loma Linda University Foundation

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## Deborah Woldruff

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**From:** Frost, Robert (LLU) [bfrost@llu.edu]  
**Sent:** Monday, November 07, 2005 11:06 PM  
**To:** Deborah Woldruff  
**Cc:** Lang, Kevin J.; Mock, Jesse; Strauss, Verlon (LLU)  
**Subject:** Loma Linda General Plan -Special Planning Area A

**Importance:** High

Hi Deb

This email is to follow up on our conversation on October 25, 2005, following the City Council discussion of the Draft General Plan. You will recall that I mentioned concerns we have regarding the wording of the "Implementing Policies" for Special Planning Area A, specifically the height restriction in f. and the FAR restriction in g. I have mentioned these concerns to you several times in the last year or so. Following this email is a copy of an email I sent to you September 29, 2004, which you copied and handed out to the Planning Commission on October 20, 2004 as Attachment B. Most of the concerns for areas B & C were addressed, but the concerns for area A have not been addressed in the current Draft General Plan.

You mentioned to me when we spoke on October 25, 2005, that through the adoption of a specific plan or planned development these issues could be handled and that one of the unassigned Special Planning Areas (G or J) could be assigned to the portion of area A that might be developed into a hospital campus if needed.

It seems like it would be helpful if the Implementing Policies for Area A are changed by dropping or modifying f. (height restriction) and by changing g. so that 1.0 FAR be permitted. You may have a preferred way of addressing these concerns.

Will you please explain in writing how you would expect the process to happen if it was decided that LLUMC should build a new hospital on the portion of Area A vacant land that is east of the proposed new Evans Street and west of the Gage Canal? This will be very helpful to us.

Thank you so much for all that you do to assist us,

Bob

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-----Original Message-----

**From:** Robert Frost [mailto:bfrost@fdn.llu.edu]  
**Sent:** Wednesday, September 29, 2004 2:38 AM  
**To:** Deborah Woldruff  
**Cc:** Kenneth J. Breyer; Verlon Strauss  
**Subject:** Loma Linda General Plan - Mixed-Use Areas A, B & C

Hi Deb,

I have just completed another review of the Land Use Element for the General Plan and have several comments and questions regarding the Mixed-Use areas.

**Mixed-Use Area A:** Overall this appears to be reasonable. If in the future, due to seismic and/or other concerns, it became necessary to build a new hospital or other building that would be more than three stories in height and the preferred site was in Mixed-Use Area A, would it be difficult to obtain City approval, based on the current wording in the General Plan? If so, we would prefer the wording to be less specific.

**Mixed-Use Area B:** We believe that this should not be so restrictive in the way it is written, especially restricting the frontage of Anderson Street to commercial retail, etc. If this section is not modified

would it be difficult or perhaps impossible to obtain approval for a plan such as the one proposed by Generations which includes various types of housing for seniors and students, including apartments, cottages, townhouses, independent retirement units, assisted living units, skilled nursing facility, limited retail and commercial areas along with open space, but does not have retail on Anderson Street.

Mixed-Use Area C: This has been rewritten some since the original version, but is still quit restrictive in the way it is written. An example is the wording regarding the location of a future parking structure. What if after further study it was decided it would be best to place the parking structure between Prospect and Barton Road and not west of the existing Ritchie Circle?

Since the development of each of these Mixed-Use areas will require the adoption of one or more specific plans or planned developments, it seems that it would be better for the City and the LLUAHSC organizations if the guiding and implementing policies were more general and less specific.

Thank you for considering these comments and for your thoughts regarding future development of these Mixed-Use areas. We also request that changes be made in the wording for the Mixed-Use areas, unless it is clear that the current restrictions will not be a problem in the future if circumstances were to be such that the restrictions are not desirable.

Bob Frost

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NOV 8

**Save Loma Linda  
Kathy Glendrange, DVM, JD  
P.O. Box 259  
Loma Linda, CA 92354**

November 8, 2005

Mayor Petersen and City Council Members  
City of Loma Linda  
25541 Barton Road  
Loma Linda, CA 92354

RE: COMMENTS ON LOMA LINDA PROPOSED GENERAL PLAN  
ENVIRONMENTAL IMPACT REPORT

Dear Mayor Petersen and City Council Members,

Save Loma Linda and Kathy Glendrange submit the following comments in regard to the proposed General Plan Environmental Impact Report (the "EIR"). Additionally, we hereby incorporate all of the comments made by other parties in regard to the EIR, including without limitation comments made by the Center for Biological Diversity and the Loma Linda Conservation Society.

The EIR is flawed in regard to the analysis and conclusions relating to the following environmental impacts:

**1. Affected Views to Scenic Vistas and Scenic Resources**

The EIR's conclusion that the impact to views is "less than significant" is wrong. This is actually a terrible impact. Loma Linda has a small town atmosphere and the majority of the land is located in the largely undeveloped hills. The impact on views and aesthetics and the loss of open space and beauty of the natural hillside areas which are so important to the community will have a horrible impact.

**2. Light and Glare**

The EIR's conclusion that the impacts of light and glare are "less than significant" is wrong. Given the proposed general plan's substantial increase in allowable densities and allowing mixed-uses of commercial and residential uses in close proximity, the resultant light and glare will actually have a terrible impact.

**3. Loss of Open Space**

The EIR's conclusions that no feasible mitigation is available and that the loss of open space is "significant and unavoidable," are incorrect. Further, the EIR's analysis is inadequate. There are mitigation measures available. The Council could adopt other alternatives which result in more open space. Yet, the proposed General Plan allows development which will destroy substantial amounts of open space which are so valuable to the community.

4. **Air Quality**

The EIR's conclusion that the impacts to air quality are "significant and unavoidable" is wrong. The analysis is inadequate. There should be general plan policies to address these impacts. Some of the impacts are avoidable. For example, not substantially increasing allowable densities would reduce these impacts.

5. **Vehicular Emissions**

The EIR's analysis is flawed. Stating that no mitigation measures are required is wrong. The EIR's conclusion that the impacts are "significant and unavoidable" is also wrong. The Council could adopt another alternative which would result in fewer vehicular emissions.

6. **Impacts to Sensitive Species and Sensitive Natural Communities**

The EIR's conclusion that the impacts to species and communities are "less than significant" is wrong. The analysis is flawed. A substantial number of species and communities will be destroyed by the allowable development under the plan. Further, the EIR suggests inadequate mitigation measures.

7. **Loss of Critical Habitat**

The EIR's conclusion that the loss of critical habitat is "significant and unavoidable" is wrong. Further, the analysis is flawed and inconsistent with the analysis regarding the impacts to sensitive species and communities. How can the impact to species and communities be "less than significant" yet the loss of critical habitat is "significant and unavoidable?" The Council could choose another alternative which decreases the loss of habitat. Further, the EIR suggests inadequate mitigation measures.

8. **Impacts to Migratory Wildlife Corridors**

The EIR's conclusion that the impacts to wildlife corridors is "less than significant" is wrong. Loma Linda's wildlife provides important contributions to the community. Further, allowing the corridors to be cut off, which impacts not just wildlife in Loma Linda but wildlife in neighboring cities and counties, is actually a terrible impact. Loma Linda could single-handedly cut off multiple corridors and affect wildlife in entire neighboring regions. The mitigation measures are inadequate to reduce the impacts to "less than significant" levels.

9. **Conflict with Adopted Conservation Plans**

The EIR's conclusion that the conflict with other conservation plans is "less than significant" is wrong. Loma Linda's developments have far-reaching impacts on the conservation plans of neighboring cities and counties. Wildlife migrates, therefore, Loma Linda's wildlife and lack of conservation efforts do not exist in a vacuum. The analysis of the impacts is inadequate and mitigation is required.

**10. Adverse Change in the Significance of an Historical Resource**

The EIR's conclusion that the impacts to historical resources are "less than significant" is wrong. Stating that no mitigation is required is wrong. The Plan's affect on the Historic Mission Overlay District, in which development was supposed to preserve a rural atmosphere, illustrates how the impacts have been more than significant. Further, the analysis is flawed and the policies have not been effective thus far. The Historic Mission Overlay District will be ruined if the development proceeds under the Plan.

**11. Fault Rupture / Ground Shaking / Liquefaction / Ground Subsidence / Slope Failure / Soil Erosion/Loss of Topsoil / Collapsible and Expansive Soils**

The EIR's conclusions that the above impacts are "less than significant" are among the most egregious of the EIR's conclusions. Increasing the development intensity in the hills and thereby increasing the risks of geologic hazards to the public are actually terrible impacts of the Plan. Further, the analyses of the policies and the conclusions that no mitigation measures are required for several of these impacts are wrong. Additionally, the mitigation measures suggested for some of the impacts are inadequate.

**12. Impair an Emergency Response Plan**

The EIR's conclusion that the impacts to emergency response plans are "less than significant" is wrong. Further, the analysis and the statement that no mitigation is required is inadequate. The Plan increases allowable densities in the vast majority of land in the City as well as allows for intensive development in the hillside areas. The burden on City services, increase in costs of services, and difficulty of providing services in remote hillside areas, are actually very significant.

**13. Wildland Fire Hazards**

The EIR's conclusion that the impacts regarding wildland fire hazards are "less than significant" is wrong. Further, the analysis and the statement that no mitigation is required is inadequate. The Plan allows for intensive development in the hillside areas. The burden on City services, increase in costs of services, difficulty of providing services in remote hillside areas, and public safety hazards, are actually very significant.

**14. Impacts to Groundwater Supplies / Groundwater Recharge / Demand for Water Services**

The conclusion that the impacts to groundwater supplies are "significant and unavoidable" is wrong. The Council could adopt alternatives which would not place as great a burden on the water supplies. Given the fundamental importance of water to the community, the EIR's cursory analysis of this issue is wholly inadequate. The policies do not lessen the burden on the water supplies in any meaningful way. Further, the statement that "there are no mitigation measures which can assure the availability of water resources in the future" is an inadequate attempt at mitigation.

Further, given the EIR's conclusion that the availability of water resources cannot be assured, the conclusions that the other impacts (ex. demand for water services) are "less than significant" and that no mitigation is required are inconsistent.



**15. Impacts to Water Quality**

The EIR's conclusion that the impacts to water quality are "less than significant" is wrong. The EIR acknowledges that implementation of the Plan may violate water quality standards, then cites an inadequate policy to remedy this, and then concludes that no mitigation is required.

**16. Changes in the Pattern of Land Use / Affect Existing Development Patterns**

The EIR's conclusions that these impacts are "less than significant" are wrong. These impacts will be terrible. Loma Linda has a small town atmosphere and the majority of the town has developed with a certain character. Substantially changing the allowable development intensities and patterns will permanently alter the character of the town which is of primary importance to many of the residents. It will also result in uses which are incompatible with currently existing uses. The analyses and policies cited are inadequate to meaningfully address these issues. Further, the conclusion that no mitigation is required is wrong.

**17. Long-Term Vehicular Noise Impacts**

The EIR's conclusion that the noise impacts from long-term vehicular use are "less than significant" is wrong. Enjoying peace and quiet in their homes is of utmost importance to the residents. Further, the analysis of the policies is inadequate and flawed. The mitigation measures are also inadequate to reduce the impacts to "less than significant." This can be illustrated by the University Village and Orchard Park developments, which were allowed by the Plan, and yet one of the "significant and unavoidable" impacts of the projects related to excessive noise.

**18. Population and Housing Projections are Exceeded**

The EIR's conclusion that the population and housing projections of the Plan will not be exceeded is wrong. Further, the conclusion that these impacts will be "less than significant" is wrong. The projections substantially underestimate the actual population and housing numbers allowed by the land use element of the Plan. The higher population and housing numbers will substantially affect the public health, safety and welfare by increasing the burden on city services, and causing crowding, traffic congestion, and air pollution. The analysis and statement that no mitigation is required is inadequate and flawed.

**19. Fire Protection / Police Protection / Public Educational Facilities / Wastewater / Solid Waste**

The EIR's conclusion that these impacts will be "less than significant" is wrong. The Plan's increasing of the population and housing numbers will substantially affect the public health, safety and welfare by increasing the burden on city services, and causing crowding, traffic congestion, and air pollution. The analysis and statement that no mitigation is required is inadequate and flawed. It is common wisdom that residential development results in a net loss to the City in the long-run. Increasing the housing and the burden on city services without sufficient policies or mitigation measures in place, and then concluding that the impacts will be "less than significant" is completely flawed.


**20. Increased Traffic Volumes**

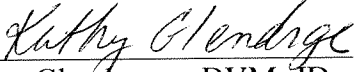
The EIR's conclusion that increased traffic volumes are "significant and unavoidable" is wrong. The City could adopt an alternative which has less traffic impacts. Avoiding worsening traffic congestion is of utmost importance to the residents. Yet, the analysis and policies set forth are inadequate to meaningfully address the traffic impacts. The mitigation measures are also inadequate.

**21. Availability of Adequate Park/Recreational Facilities**

The EIR's conclusion that the impacts on availability of parks and recreational facilities are "less than significant" is wrong. This is actually a terrible impact for the residents. Currently, ~60% of the City is open space, agricultural, or undeveloped land. As development proceeds under the Plan, access to adequate parks and facilities for rest and relaxation will become of even greater importance to the residents. The EIR acknowledges that implementation of the Plan may result in significant impacts to the availability of parks and facilities. Yet, the EIR then sets forth a cursory inadequate analysis and states that no mitigation is required. Meaningful policies and mitigation measures are required to assure these vital resources are available for the public welfare.

Sincerely,

  
Save Loma Linda, by member  
Kathy Glendrange, DVM, JD

  
Kathy Glendrange, DVM, JD

Save Loma Linda  
Kathy Glendrange, DVM, JD  
P.O. Box 259  
Loma Linda, CA 92354

November 8, 2005

Mayor Petersen and City Council Members  
City of Loma Linda  
25541 Barton Road  
Loma Linda, CA 92354

RE: COMMENTS ON LOMA LINDA PROPOSED GENERAL PLAN

Dear Mayor Petersen and City Council Members,

Save Loma Linda and Kathy Glendrange submit the following comments in regard to the proposed General Plan. Additionally, we hereby incorporate all of the comments made by other parties in regard to the proposed General Plan, including without limitation comments made by the Center for Biological Diversity and the Loma Linda Conservation Society.

1. **The City Council has already approved at least four general plan amendments of mandatory elements, ex. the land use element, this year.** Thus, adopting the proposed General Plan would violate the California Government Code, which provides that "no mandatory element of a general plan shall be amended more frequently than four times during any calendar year."
2. **The proposed General Plan contains substantial modifications proposed by the City Council not previously considered by the Planning Commission during its hearings.** Thus, adopting the proposed General Plan would violate the California Government Code, which provides that any such substantial modification "shall first be referred to the Planning Commission for its recommendation."
3. **The proposed General Plan is not internally consistent.** Thus, adopting the proposed General Plan would violate the California Government Code, which provides that "the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

Because the proposed General Plan has only been available for ~2 1/2 weeks, I have not had time to completely review and analyze the Plan. However, the following are examples of some of the internal inconsistencies which exist:

a) The proposed General Plan's projections for the population and housing units at build-out are substantial underestimates of the actual numbers allowed by the land use element;

b) The land use element is inconsistent with the housing element. For example, the housing element states that the City is following SCAG's recommendations for this planning period. However, the number of housing units allowed by the land use element greatly exceeds the number of housing units which would comply with SCAG's recommendations. The land use element also allows for projects which result in growth-inducing impacts which conflict with SCAG's policies (ex. University Village and Orchard Park);

c) The circulation element is inconsistent with the land use element. For example, both the Staff's South Hills designation and the Developers' Alternative 2 allow for more roads through the hills than the circulation element.

Furthermore, the circulation element does not adequately address or plan for the infrastructure which will be needed as a result of build-out of the proposed Plan; and

d) The language with regard to allowable development within some of the land areas is internally inconsistent, ex. Special Planning area H; and the South Hills Designation.

#### **4. The proposed General Plan is flawed for many other reasons.**

a) First, the proposed General Plan does not include all of the revisions which the City Council made/voted for. For example, a majority of the Council voted that the density not exceed Very Low Density (2 dus / acre) in Special Planning Area H. However, the text of Special Planning Area H states that Low Density is allowed in that area, and then later states that Low Density and Medium Density are allowed in that area.

Again, because the proposed General Plan has only been available for ~2 1/2 weeks, I have not had time to completely review and analyze the Plan. Furthermore, I have been informed that the general plan consultant lost several months worth of revisions due to a computer malfunction. Accordingly, there may be many other changes which were made by the Council which have not been included in the final draft of the proposed Plan. Given the importance of the General Plan to the future of the City, I would hope that the Council takes adequate time to ensure that the document incorporates all of the revisions the Council has requested;

b) Second, the EIR acknowledges that "there are no mitigation measures which can assure the availability of water resources in the future." Whether or not the citizens will have water in the future is obviously of paramount importance. Yet, the proposed Plan has a cursory and inadequate analysis regarding this issue. It appears that the analyses required by law have not been done. Further, the proposed Plan appears to be illegally taking away our water rights. The proposed Plan increases allowable

densities for the majority of the vacant land in the City and yet almost ignores that there may not be water for the citizens upon implementation of the Plan; and

c) The proposed General Plan fails to adequately address the increased risk of public safety hazards, such as earthquakes, fires, floods, soil erosion, landslides, etc., which will result from increasing development intensity in the hills. It also fails to satisfactorily address all of the implications to the public health, safety and welfare from build-out of the hills under the proposed Plan.

**5. The proposed General Plan violates the current Hillside Initiative, Ordinance 541.** The following are examples of violations:

a) First, the proposed General Plan does not include all of the amendments made to the General Plan Text by the current Hillside Initiative;

b) Second, the proposed General Plan changes the definitions of the residential land use designations without a majority vote of the voters (ex. new low density would include up to 5 dus/acre not 4 dus/acre, etc);

c) Third, the proposed General Plan's roads provisions violate the spirit and the intent of the current Hillside Initiative's roads provisions and change them without a majority vote of the voters. For example, violated provisions include but are not limited to, the limitations on roads through the Hillside Conservation Area (with the exception of Oakwood Drive); that only Oakwood Drive may connect to Reche Canyon Road; the provisions minimizing the need for access roads; and the requirements that roads should minimize cut and fill, avoid disruption of habitat, sensitive and view areas, and be designed to fit the hilly terrain;

d) Fourth, the proposed General Plan changes and allows for uses within the Hillside Conservation Area which are inconsistent with the overall preservation and conservation goals for that area, without a majority vote of the voters;

e) Fifth, the proposed General Plan changes the density bonus criteria and allows for density transfers from the Hillside Conservation Area without a majority vote of the voters;

f) Sixth, the proposed General Plan changes the provisions for allowable development in the Hillside Conservation Area without a majority vote of the voters by requiring that such development conform to more restrictive provisions in the proposed General Plan, the South Hills Designation, and applicable zoning; and

g) Seventh, the proposed City Official General Plan Land Use Element Map incorrectly depicts and changes without a majority vote of the voters the Hillside Conservation Area and the Urban Slope Line.

**6. The South Hills Designation of the proposed General Plan is flawed for many reasons.**

a) The South Hills designation violates the current Hillside Initiative as set forth above;

b) "Ensuring economic use of private property" is listed as the third highest priority (of eight listed) of Loma Linda's hillside priorities. It is not legally within the Council's discretion or purview to "ensure economic use of private property," particularly as a "high priority." When did the City become "guarantors" of the hillside property investors? Further, on what rational basis would the Council ensure economic use of private property in the South Hills but not of private property located elsewhere in the City?;

c) The South Hills designation fails to state a maximum **allowable** density for the South Hills, and thus is vague as to whether the maximum densities stated are the maximum "allowable" or the maximum "anticipated";

d) The South Hills designation states that "a maximum of 1,185 dwelling units may be developed within lands designated "South Hills"... inclusive of any incentive programs that may be developed for the South Hills."

First – I doubt whether setting a maximum total number of houses in the hills is legal and enforceable.

Second, the Plan is vague and ambiguous because it fails to specify where and how many acres are in the "Hillside Areas not Subject to the Hillside Initiative" and the "Bench Areas not Subject to the Hillside Initiative."

It also appears that the Plan actually allows for a higher number of houses than 1,185 based on the maximum densities set forth in the Table. This is inconsistent - does this mean that the first landowners to build up to 1,185 houses can develop their land, but that other landowners are then prohibited from developing? Of-course any such provision would not be legal or enforceable.

Further, the Plan states that the "targeted open space" and "incentive program" for transferring out of the targeted open space will be decided in the implementation phase. This is also inconsistent – how do you provide incentives to landowners to transfer out of the targeted open space without increasing the densities for doing so? If the incentive program allows for a higher density, then the number of houses in the hills will certainly exceed 1,185;

e) Determining the "targeted open space" and "incentive program" in the future makes the South Hills designation an incomplete plan because it is basically something to be decided in the future; and

f) Allowing the transfer of densities from one property to another contiguous or non-contiguous property owned by a different landowner is not standard land use planning and it is inconsistent with the Plan setting different densities based on different geographic areas in the hills.

**7. If Alternative 2 is a specific plan proposed by the developers for the South Hills designation, then it would violate the California Government Code for the Council to adopt it.**

If Alternative 2 is considered a specific plan, then the Council would violate the California Government Code by adopting it because:

a) The City Council must first adopt a general plan, then a specific plan may be prepared for implementation of the general plan;

b) Alternative 2 does not include all of the details required by the Code;

c) Alternative 2 has not been referred to all of the entities required by the Code;

d) The analyses required by the Code relating to schools, water supplies, etc., have not been done;

e) The Planning Commission has not held at least one noticed public hearing regarding Alternative 2;

f) The Planning Commission has not made a written recommendation regarding Alternative 2; and

g) Alternative 2 is not consistent with the proposed General Plan because, among other things, it allows for more houses in the hills than are projected in the proposed Plan.

**8. Alternative 2, proposed by the developers for the South Hills designation, is flawed for many reasons.**

a) Alternative 2 violates the current Hillside Initiative in many of the ways set forth above in paragraph 5 (ex. in regard to the roads provisions; uses inconsistent with the preservation and conservation goals for the Hillside Conservation Area; changing the density bonus criteria and allowing for density transfers from the Area; and changing the provisions for allowable development in the Area; all without a majority vote of the people);

b) Alternative 2 also fails to state a maximum **allowable** density and thus is vague as set forth above;

c) We raise the same objections regarding Alternative 2 setting a “cap” of 1,185 houses as those set forth above in paragraph 6;

d) Alternative 2 is vague and ambiguous as to where the “Hillside Areas not Subject to the Hillside Initiative,” the “Bench Areas not subject to the Hillside Initiative,” and the “Existing and Approved Hillside Areas” are. Although, the existing Pilgrim Road and Scotch Lane developments are shown on the map, those properties do not add up to the 413 acres which are included in the “Existing and Approved Hillside Areas.” Where are the other “Existing and Approved Hillside Areas?” Only the developers and possibly the City Officials know.;

e) Alternative 2 also allows for a higher number of houses than 1,185 based on their Table. Thus, it is internally inconsistent;

f) The Tables are vague, ambiguous and internally inconsistent;

g) Alternative 2 also allows for the transfer of densities from one property to another contiguous or non-contiguous property owned by a different landowner, which is objectionable for the reasons set forth above;

h) Alternative 2 allows all “currently existing commercial uses” in the hills – whether those uses are legal or not. This could lead to unintended consequences, be void as against public policy, and impact neighboring properties in an adverse and discriminatory manner;

i) Providing that a decrease in the targeted open space, or an increase in the base densities or density bonus factors shall only be allowed by a vote of the people, unfairly and irrationally discriminates against the small landowners because it basically requires the small landowners to sponsor and get an initiative passed to participate equitably in the density increases;

j) Alternative 2 is a self-serving plan in which the large landowners and developers basically split up the vast majority of the 1,185 housing units among themselves (disproportionately to the amount of land which they own) and treat most of the small landowners’ properties as “already developed”;

k) The map showing the “targeted open space” and “developable” areas is not based on the topographic characteristics of the hills for the most part; it is based on maximizing the densities and density bonuses for the large landowners and developers. For example, some of the north facing slopes are designated “targeted open space” and some are designated “developable or cluster areas.” There is no rational basis for discriminating between the properties in this manner. The basis for discriminating between these properties is to allow the larger landowners and developers to maximize development of their land.



Another example is the Pilgrim Road Area, where they treat the small landowners' properties as "already developed" (with 10 acre minimum lots). However, on the property immediately adjacent, attached housing units with no minimum lot size are allowed. Again, there is no rational basis for discriminating between properties in this manner; and

l) Taking private properties with similar characteristics and designating some of them as "targeted open space," some as "developable," and some as "existing and approved," without a rational basis, illegally discriminates between properties whether it constitutes a taking, spot-zoning, and/or other violation of law.

**9. City Officials have committed Ralph Brown Act, other Government Code and Public Records Act violations in regard to the proposed General Plan.**

The Ralph Brown Act set forth in the California Government Code states that:

"[T]he Legislature finds and declares that the public commissions, boards and **councils** and the other public agencies in this State **exist to aid in the conduct of the people's business**. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

a) The Staff Report for the October 25, 2005 City Council hearing states that "Over the past 12 months, the Council made many revisions to all Elements of the document that are too numerous to catalog in this report." For the vast majority of these revisions (probably all of them except for some of the hillside revisions), the final draft of the proposed Plan incorporating the revisions was not released until ~2 ½ weeks ago. Yet, the Council has closed the public hearing, except in regard to the South Hills designation. Therefore, if the Council were to adopt the proposed General Plan, it would violate the Ralph Brown Act because the Council must provide an opportunity for the public to address the Council on any item that has been substantially changed since the Council heard the item;

b) The Ralph Brown Act states that "[A]ny use of direct communication, personal intermediaries... that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited." A local newspaper recently reported that the developers' alternative for the hillside designation has "met with favor from City officials." The developers' plan has never been presented at a noticed public hearing. If it is true that the developers' plan has met with favor from City Officials, how and when

was a collective concurrence reached as to the action to be taken by the Council regarding the hillside designation?;

c) In regard to many matters that are within the jurisdiction of the Council, it seems that decisions regarding the action that at least the majority of the Council will take have already been made at meetings which are neither noticed nor which the public is even aware of;

d) Because the proposed General Plan has only been available for ~2 ½ weeks, the public has not had time to completely review and analyze the Plan. Thus, even if the Council were to allow public comment on the proposed Plan, there has not been adequate time to allow the citizens' involvement in a meaningful, careful consideration of the final draft of the proposed Plan. I also wonder if – and how -the Council has had adequate time to thoughtfully and carefully review the final draft of the proposed Plan. This is particularly concerning when, in this case, the Council is scheduled to approve an update of the entire General Plan which will govern land use decisions for the next 20 years!; and

e) In violation of the California Public Records Act: the City has limited, delayed, or denied the public the right to inspect and/or obtain a copy of disclosable records; and the City regularly fails to maintain complete copies of Agenda packets at the requisite public places, ex. the library, for the public to inspect and/or copy.

**10. Finally, we would like to respond to several misleading or erroneous statements contained in the November 8 Staff Report in regard to the Residential and Hillside Development Control Measure (the "Initiative").** In particular, we respond to the Report's following conclusions:

a) We dispute the Report's conclusion that "Alternative 1 (Initiative) is very complex and the maximum allowable density or number of dwelling units is not clearly spelled out." This statement is misleading and erroneous.

Page 4 of the Initiative clearly states the maximum allowable densities for the designated hillside areas covered by the Initiative. The fact that either doubling or tripling of density bonuses is allowed if either of the two lists of specified criteria is met does not change that. Additionally, we respectfully disagree that the Initiative is "very complex." The Initiative states the maximum allowable densities, density bonuses, and density bonus criteria in plain language. Further, the Initiative's maximum allowable densities, density bonuses, and density bonus criteria are substantially similar to the current Hillside Initiative. At least two projects have been filed under those provisions and the citizens, developers and City Officials have not found the provisions overly befuddling or complex.

Further, Staff's Hillside Alternative does not even set maximum **allowable** densities – it sets maximum densities. Thus, it is not clear whether those densities are the maximum **allowable** or the maximum **anticipated** (as a former draft referred to them).

Second, Staff's Alternative also allows density bonuses for clustering. However, Staff's Alternative is not only "not clearly spelled out," the "targeted open space" and "incentive program" are actually completely missing from the plan and left to be decided in the future. I doubt that stating a "cap" of 1,185 on the number of houses remedies this because it is probably not even legal or enforceable to do so. The actual number of houses will be determined by the maximum densities, the density bonuses, the targeted open space, the incentive programs, and the actions eventually taken by the individual property owners regarding whether or not they choose to participate in the bonuses/incentive programs.

Further, the developers' Alternative also does not set maximum **allowable** densities – it sets maximum densities. Thus, again, it is not clear whether those densities are the maximum **allowable** or the maximum **anticipated**. Second, the developers' Alternative also allows density bonuses – but they allow three different density bonuses for three different sets of criteria. For the reasons stated above, I doubt that stating a "cap" of 1,185 on the number of houses remedies this because it is probably not even legal or enforceable to do so.

Additionally, the developers' Alternative is not only very complex, but also a disguised extremely self-serving plan, which is designed so that the large landowners and developers can split up the vast majority of the density increases and bonuses among themselves and leave the small landowners with little to no densities and bonuses. A person must have knowledge of who owns which pieces of properties and the topographic characteristics of the hills, as well as to be able to recognize the "untruths" in the Tables, to realize that the densities and maps are primarily drawn to allow the major landowners to split up the vast majority of the 1,185 houses among themselves.

For instance, in the developers' Alternative, the "Existing and Approved Hillside Areas," consist of land owned by smaller landowners. They are entitled to zero density increases and bonuses and have no land designated as "developable," **for no rational basis whatsoever**, except to allow the larger landowners and developers to distribute the smaller landowners' proportionate share of density increases among themselves.

Further, the map does not follow the topographic characteristics of the hills (ex. north of the toe of slope or the northerly facing slopes) when designating "targeted open space." The real property owners who the map benefits becomes clearer when covered with an overlay of the development plans contained in the developers' flyers distributed this year. Conveniently, the development projects fit quite nicely within the "developable" and "cluster" areas designated on the map.

Finally, the developers' Alternative is more complex because the targeted open space does not follow property lines in many areas, but includes portions of parcels. Thus, the final number of houses allowed will also depend on estimates of how much targeted open space the landowners ultimately propose to preserve;

b) We also dispute the Report's conclusion that the property owner and developer of the property in the western portion of the hills, southwest of the Fault Line, "have stated their interest in constructing around 400 dwelling units," and that "these additional dwelling units would not be included in the dwelling unit cap for Alternative 1." First, it is an erroneous assumption, we hope, that because a developer states an interest in developing a certain number of houses, that that is tantamount to a guarantee that the City Council will approve that number of houses. Second, until the City Council adopts a South Hills designation, it is impossible to calculate the total number of houses allowed in the hills because the Initiative leaves the current hillside initiative intact and leaves it to the Council to set densities in certain other hillside areas.

Further, Staff's Alternative also does not include those 400 dwelling units in their cap of 1,185 houses. The property which Staff is referring to includes ~220 acres. Thus, under Staff's Alternative, that property owner would be entitled to develop ~110 houses in a clustered development ( $\sim 220 \text{ acres} \times 1 \text{ du} / 2 \text{ acres} = \sim 110 \text{ houses}$ ). If the ultimate targeted open space and incentive program will increase this number to 400 houses, then we find it even more concerning that those items are left to be decided in the future and also more doubtful that the ultimate cap on the number of houses will remain at 1,185;

c) We also dispute the Report's conclusion that the developers' Alternative is "largely based on the South Hills designation in the final draft general plan." This statement is misleading and erroneous in that it is actually the opposite – the South Hills designation in the final draft general plan is largely based on the developers' Alternative, which was pitched to the Staff and general plan consultant in non-public meetings with the developers;

d) We also dispute the Report's conclusion that the developers' Alternative "would allow a maximum of 1,185 dwelling units in the hillside area." This statement is false. A review of the developers' Tables reveals that under their Alternative, the total number of houses in the hillside areas would be higher than 1,185;

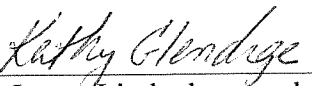
e) It is interesting that the Report noted in regard to the developers' Alternative that "Similar to the South Hills designation, the densities per acre would vary from one geographic area of the hills to another." This statement is pointing out a potential benefit of the developers' Alternative. The same potential benefit is true of the Initiative and yet the Report failed to mention it;

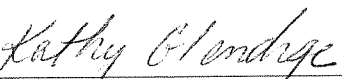
f) Finally, we note that the October 25 Staff Report failed to include every other page of the Initiative, including the map. This rendered the Initiative impossible for the citizens and the Council to understand. Subsequently, the manner in which the November 8 Report attempted to create possible ambiguities in the plain language of the Initiative on the above issues, particularly when contrasted with the Report's failure to discuss any of the Initiative's potential benefits, seriously calls into question the fairness and objectivity of the Report. If this one-sidedness is not corrected by the Staff and Council, the Report runs the risk of becoming, in essence, a de facto ballot argument. Accordingly, because the California Supreme Court has expressly held that any

expenditure of public funds on a ballot measure must be limited to a "fair presentation" of "all relevant facts," we urge the Staff and Council to correct these misleading and erroneous conclusions and to provide the required fair presentation of the Initiative.

The Report's exclusive focus on casting the Initiative in a negative light, may well violate the constitutional requirement that cities remain neutral in ballot measure election contests. As the California Supreme Court has explained, "[a] fundamental precept of this nation's democratic electoral process is that the government may not 'take sides' in election contests or bestow an unfair advantage on one of several competing factions." Accordingly, any public funds the City expends regarding the Initiative must be limited to giving a "fair presentation" of "all relevant facts."

Sincerely,

  
Save Loma Linda, by member  
Kathy Glendrange, DVM, JD

  
Kathy Glendrange, DVM, JD

November 9, 2005

Mr. Floyd Petersen, Mayor  
Mr. Stan Brauer, Mayor Pro Tempore  
Mr. Robert H. Christman, City Council Member  
Mr. Robert Ziprick, City Council Member  
Mr. Charles Umeda, City Council Member  
City of Loma Linda  
25541 Barton Road  
Loma Linda, CA 92354

RE: 27 Acre Parcel in Sphere of Influence

Dear Council Members,

As you are aware, Fairfield Residential and Paul Hsu control 27 acres within the Sphere of Influence, located on the northwest corner of Orange Avenue and New Jersey Street (see exhibit A). The Draft Land Use Element designates this property as "Business Park".

Fairfield respectfully requests that this draft land use designation be reconsidered. We understand the City's objective to provide areas where job creation opportunities exist, and would like to work with the City of Loma Linda to see that this objective is achieved. To this end, we request that the property be split between Medium Density Residential (MDR) and Business Park (see exhibit B).

The property is encumbered by various factors that will significantly inhibit its potential to be exclusively Business Park. The two primary problems are that the site has environmental contamination that is very costly to cure. The historic use of the site for agriculture and the use of smudge pots have caused the contamination. The site is also constrained by a flood plain. Significant amounts of dirt will be needed to elevate the site above the flood plain. We simply need an economic "engine" to provide the ability to develop the site, and residential uses do this. The economic returns achieved by a portion of the site being residential allow the balance to be developed as Business Park.

Please consider designation of approximately 15 acres as Medium Density Residential (5.1 – 9.0 du/ac), and the remaining 12 acres Business Park. The MDR is less intense than all of the residential designations directly to the east and south of the site.

In terms of buildout intensity, the 15 acres of MDR would equate to approximately 100 single family detached homes. This is based on the mid-point of the density range and accounts for roads and open space. We will not propose any attached or rental housing. The remaining 12 acres of Business Park could then support approximately 250,000 square feet at a .5 FAR.

Please consider this request, as it is the only way we know of to achieve the City's objectives while providing an economically viable use of the property.

If the City is concerned about a future change of intent, we would agree to provide the City with a comprehensive land use plan, that would be presented to the City Council for review prior to any entitlement request submittal to the City.

Thank you, and please feel free to phone me if you have any questions.

Respectfully,

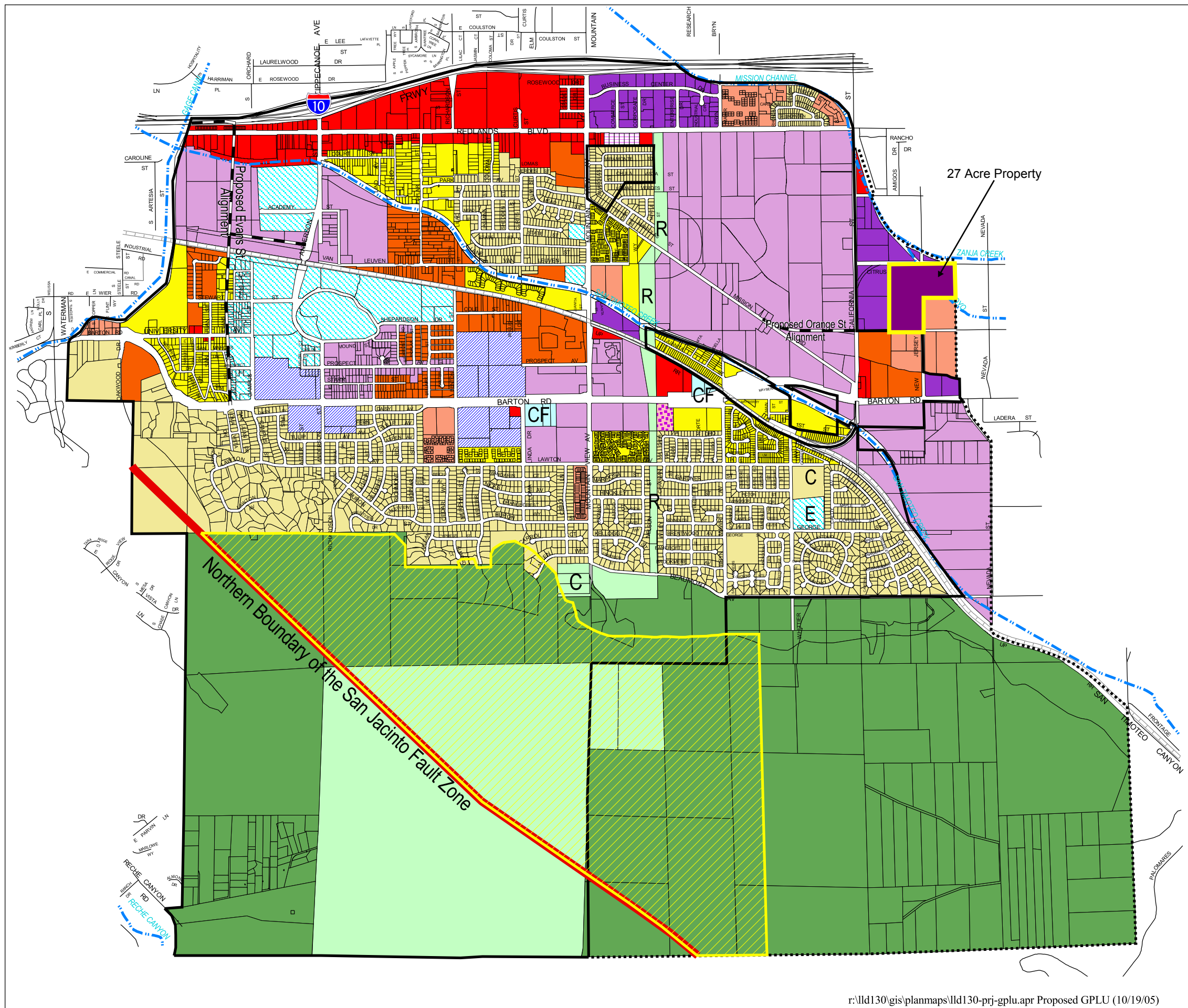
A handwritten signature in black ink, appearing to be 'Ed McCoy', with a long, sweeping horizontal line extending to the right.

Ed McCoy  
Vice President

cc: Deborah Woldruff  
Paul Hsu

Enclosures





### General Plan Land Use

- Hillside
- Low Density Residential (2.1 to 5 du/ac)
- Medium Density Residential (5.1 to 9 du/ac)
- Medium High Density Residential (9.1 to 13 du/ac)
- High Density Residential (13.1 to 20 du/ac)
- Commercial
- Business Park
- Office
- Special Planning Areas
- Health Care
- Industrial
- City Facilities
- Institutional
- Public Open Space

### Public/Quasi Public

- E Elementary School
- R Riding & Hiking Trails
- C Community Park
- CF Community Facilities

### Jurisdictional and Infrastructure

- City Limit
- Sphere of Influence
- San Jacinto Fault
- Hillside Initiative Area
- Water Ways
- Proposed Street Alignments
- Rail Road

### EXHIBIT A



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FEET

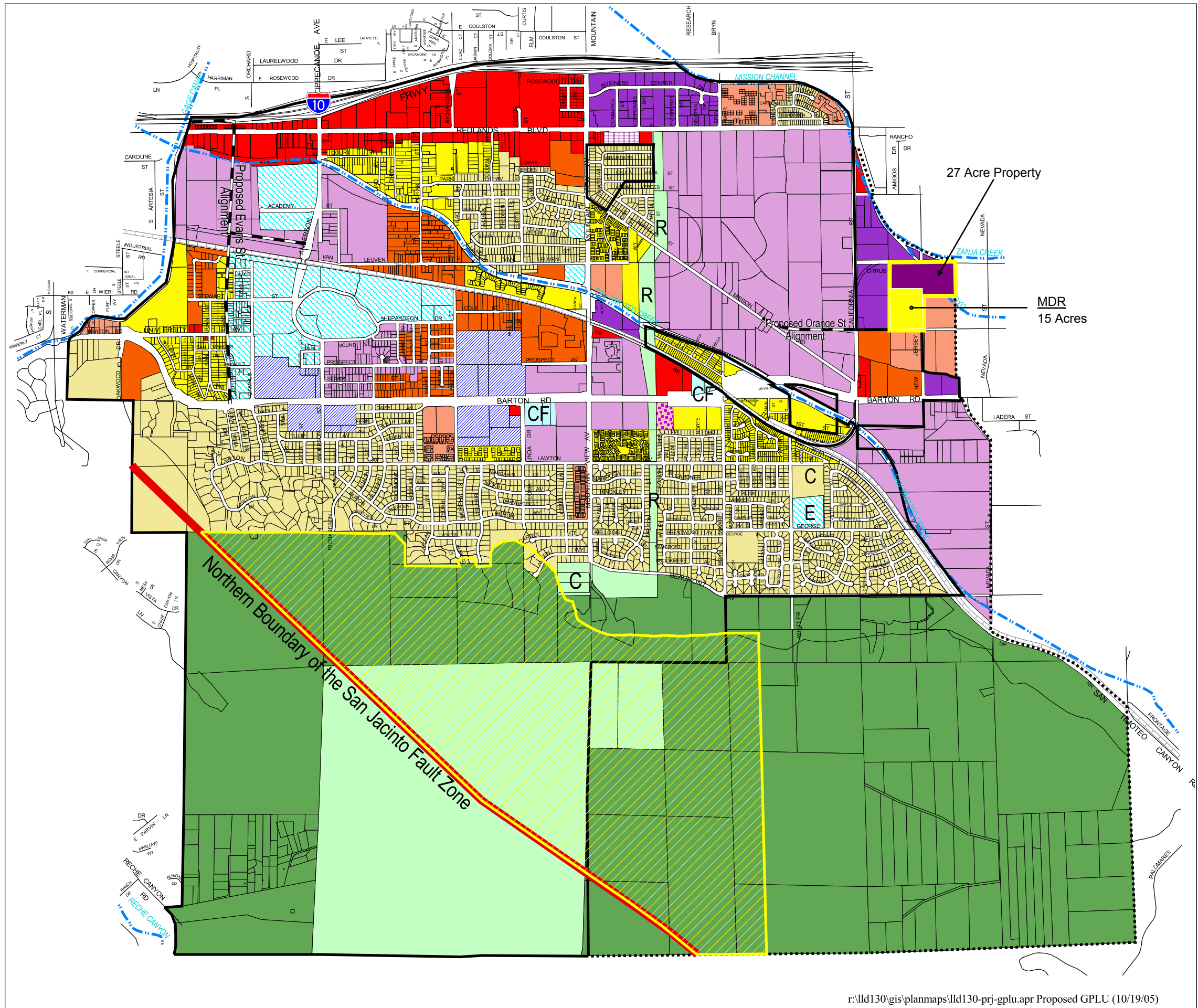
LSA

Figure 2.1

City of Loma Linda General Plan

**PROPOSED  
GENERAL PLAN LAND USE**





### General Plan Land Use

- Hillside
- Low Density Residential (2.1 to 5 du/ac)
- Medium Density Residential (5.1 to 9 du/ac)
- Medium High Density Residential (9.1 to 13 du/ac)
- High Density Residential (13.1 to 20 du/ac)
- Commercial
- Business Park
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- Institutional
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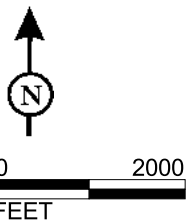
### Public/Quasi Public

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- C Community Park
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### Jurisdictional and Infrastructure

- City Limit
- Sphere of Influence
- San Jacinto Fault
- Hillside Initiative Area
- Water Ways
- Proposed Street Alignments
- Rail Road

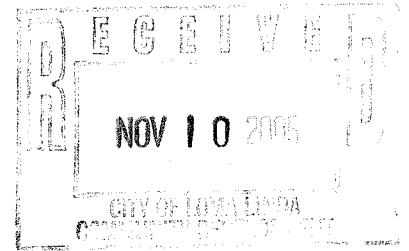
### EXHIBIT B



LSA

Figure 2.1

Jonathan Zirkle  
24247 Barton Rd  
Loma Linda, CA 92354  
October 21, 2005



City Council  
City of Loma Linda  
25541 Barton Road  
Loma Linda, CA 92354

RE: General Plan Land Designation for 24247 Barton Road

Dear Mr. Mayor and City Council Members,

On May 9, 2004, I sent a letter to the Planning Commission requesting that my land, which is at 24247 Barton Road along the south side of Barton Road, be designated in the Draft General Plan for a higher density. I made that request due to the nature and location of my property within Barton Road's noise corridor, its close proximity to a number of higher density residential uses, and the fact that my land is within reasonable walking distance of Loma Linda University. The Planning Commission approved language in the draft General Plan which in part, granted my request.

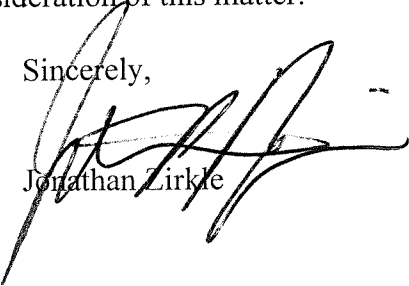
On February 10, 2005, due to political considerations at the time, I retracted my request for a land designation change. Since that time, there have been considerable changes in the Draft General Plan, which has caused significant changes in the political climate. I thank the Council, City Staff, and various land owners for what has happened.

Nevertheless, at least one substantial change has occurred in the Draft General Plan which has a profound affect on my property. At this time, the Council has tentatively approved a land designation change for the land immediately across the street from my property to medium high density housing (9.1 to 13 du/acre). Given the location of that land, including its proximity to the University and major streets, this seems appropriate. Just as importantly, my land has virtually the same proximity to the University, and the same, or perhaps better, access to the same major streets. On the east, my land is across the street from a 27 du/acre apartment complex.

For the above reasons, I respectfully request that the Council redesignate the land at 24247 Barton Road to be the same as the land across the street. In my opinion, a carefully planned and executed project would be compatible with the surrounding uses, and be an asset to the community.

Thank you very much for your consideration of this matter.

Sincerely,

  
Jonathan Zirkle